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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,816	07/03/2001	Tatsuya Inokuchi	7246/63007	1346

7590

06/28/2005

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EXAMINER

BAUM, RONALD

ART UNIT

PAPER NUMBER

2136

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/869,816

Applicant(s)

INOKUCHI ET AL.

Examiner

Ronald Baum

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-86 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-86 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-86 are pending for examination.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-11, 49-63 drawn to a *data decoding apparatus and associated charge control means*, classified in class **380**, subclass **231**.
 - II. Claims 12-28, 31-39, 81-86 drawn to a *charge information processing apparatus associated with a data decoding apparatus and settlement center*, classified in class **705**, subclass **53, 59**.
 - III. Claims 29-30, 64-80 drawn to *data reproducing apparatus* associated with a data decoding apparatus, classified in class **705**, subclass **57**.
 - IV. Claims 40,42-48, drawn to *electronic money*, classified in class **705**, subclass **69**.
 - V. Claim 41, drawn to *electronic use rights for software/content reproduction*, classified in class **705**, subclass **51**.

3. The inventions are distinct, each from the other because of the following reasons:

Inventions Group I, Group II, Group III, Group IV, and Group V, are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable.

In the instant case, invention Group I has separate utility such as a data decoding apparatus and associated charge control means via processing of reproduction information so gathered/monitored which *can be used with* a charge information processing apparatus which

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can be used with a data reproducing apparatus associated with a data decoding apparatus which *can be used with* electronic money which *can be used with associated* electronic use rights for software/content reproduction.

Invention Group II has separate utility such as a charge information processing apparatus which *can be used with* a data decoding apparatus and associated charge control means via processing of reproduction information so gathered/monitored which *can be used with* a data reproducing apparatus associated with a data decoding apparatus which *can be used with* electronic money which *can be used with associated* electronic use rights for software/content reproduction

Invention Group III has separate utility such as a data reproducing apparatus associated with a data decoding apparatus which *can be used with* a data decoding apparatus and associated charge control means via processing of reproduction information so gathered/monitored which *can be used with* a charge information processing apparatus which *can be used with* electronic money which *can be used with associated* electronic use rights for software/content reproduction

Invention Group IV has separate utility such as electronic money which *can be used with* a data decoding apparatus and associated charge control means via processing of reproduction information so gathered/monitored which *can be used with* a charge information processing apparatus which *can be used with* a data reproducing apparatus associated with a data decoding apparatus which *can be used with associated* electronic use rights for software/content reproduction

Invention Group V has separate utility such as electronic use rights for software/content reproduction which *can be used with* a data decoding apparatus and associated charge control

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means via processing of reproduction information so gathered/monitored which *can be used with* a charge information processing apparatus which *can be used with* a data reproducing apparatus associated with a data decoding apparatus which *can be used with* electronic money. See MPEP § 806.05(d).

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group II, III, IV, and/or V is not required for Group I, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I, III, IV, and/or V is not required for Group II, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I, II, IV, and/or V is not required for Group III, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I, II, III, and/or V is not required for Group IV, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I, II, III, and/or IV is not required for Group V, restriction for examination purposes as indicated is proper.

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5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Conclusion

6. Any inquiry concerning this communication or earlier communications from examiner should be directed to Ronald Baum, whose telephone number is (703) 305-4276. The examiner can normally be reached Monday through Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh, can be reached at (703) 305-9648. The Fax number for the organization where this application is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. For more information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald Baum

Patent Examiner




AYAZ SHEIKH

SUPERVISORY PATENT EXAMINER
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